

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUKNER BLANC,

Case No. 1:22-cv-01192-SAB-HC

Petitioner,

ORDER DENYING PETITIONER'S
MOTION FOR COURT TO ORDER
RESPONDENT'S TO FILE RESPONSE

B.M. TRATE,

(ECF No. 13)

Respondent.

**ORDER DIRECTING CLERK OF COURT
TO MAIL COPY OF RESPONSE (ECF No.
11) TO PETITIONER**

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On October 19, 2022, the Court ordered Respondent to file a response to the petition within sixty days of the date of service of the order. (ECF No. 5.) On December 20, 2022, Respondent filed a motion for extension of time to file a response as Respondent had not received requested necessary documents from the Southern District of Florida. (ECF No. 9.) The Court granted the motion, extending the deadline to file a response to February 17, 2023. (ECF No. 10.)

On February 17, 2023, Respondent filed a response. (ECF No. 11.) Therein, Respondent observed that in the caption page of the petition, Petitioner requested that his petition be held in abeyance pending the Supreme Court’s decision in *Jones v. Hendrix*, No. 21-857. (Id. at 1.)

1 Respondent joined Petitioner's motion to stay this matter until resolution of Jones v. Hendrix.
2 (Id. at 2.) Accordingly, on February 22, 2023, the Court granted Petitioner's request to stay.
3 (ECF No. 12.)

4 On March 8, 2023, the Court received the instant motion wherein Petitioner "moves the
5 Court to ORDER Respondent to file a timely response" because "up to and including February
6 28, 2023, Respondent has not filed any response." (ECF No. 13.) However, as noted above,
7 Respondent filed a response on February 17, 2023. (ECF No. 11.) Attached to the response is a
8 certificate of service, which indicates that the response was mailed to Petitioner on February 17,
9 2023. (Id. at 3.) It appears that the mail may have been delayed or perhaps lost.

10 Based on the foregoing, IT IS HEREBY ORDERED that:

11 1. Petitioner's motion for court to order Respondent to file a response (ECF No. 13) is
12 DENIED; and
13 2. The Clerk of Court is DIRECTED to mail Petitioner a copy of the response (ECF No.
14 11).

15 IT IS SO ORDERED.

16 Dated: March 9, 2023



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UNITED STATES MAGISTRATE JUDGE